IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE, JURISDICTION

CRIMINAL WRIT PETITION NO.712 OF 2006

Ramesh Bhaguram Tambe ...Petitioner.
Versus
The State of Maharashtra
and Ors. ...Respondents.

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Mr.P.M.Gaikwad, Advocate for the Petitioner.
Mr.A.S.Gadkari, APP, for the State.

. . .

CORAM : D.G.DESHPANDE AND
SMT.V.K.TAHILRAMANI, JJ.

DATED : APRIL 05, 2006.

P.C.:

. Heard Mr.Gaikwad, learned Advocate for the petitioner and Mr.Gadkari, learned APP for the State.

2. The petitioner is seeking parole on the ground of marriage of his son.

3. The earlier Rules relating to parole allowed for grant of parole for any sufficient cause, due to which release on parole on account of marriage could be considered. Thereafter the rules were amended. As per the amended Rules now parole can be granted only for the limited reasons i.e. in case of death or illness of the convict

or any near relative or in case of natural calamity like flood and earthquake. It is well settled that as per the amended Rules, parole cannot be granted on account of marriage.

4. Moreover, from the decision of the Full Bench of this Court (to which one of us was a party i.e. Smt.V.K.Tahilramani, J.) dated 22nd December, 2005 in Criminal Writ Petition No.345 of 2005, it is clear that parole can only be granted for the reasons set-out in the amended Rules, i.e. in case of serious illness or death of near relative such as mother, father, sister, brother, children and spouse; and in case of natural calamity such as house collapse, fire or flood. Thus, though, the petitioner has sought parole on account of marriage of his son, the said prayer for release of petitioner on parole cannot be considered.

5. The learned APP has verified and he has stated that the marriage of son of the petitioner is indeed scheduled to take place on 9th April, 2006 at Budha Mandir, Parel, Mumbai.

6. In this view of the matter, we are inclined to allow the petitioner to attend the marriage of his son under escort. The petitioner who is in Thane Central Prison be taken under escort on 8th April, 2006 to the residence of his son i.e. bridegroom, on the below mentioned address :

"B.D.D.Chawl No.6, Room No.24,
Naigaon, Dadar (East),
Mumbai-400 014."

. The escorting party to reach with the petitioner at the said address latest by 12 noon on 8th April, 2006.

7. The escorting party to leave Mumbai latest by 4:00 p.m. on 10th April, 2006 and thereafter they should bring the petitioner back to Thane Central Prison latest by 8:00 p.m. on 10th April, 2006.

8. It is clarified that the escorting party shall be in plain clothes. It is further

clarified that the petitioner shall make arrangement for the food and shelter of the escorting party.

9. Writ Petition is disposed of.

10. Office to communicate this order to the jail authorities, immediately.

11. Parties to act upon an authenticated copy of this order.

(D.G.DESHPANDE, J.)

(SMT.V.K.TAHILRAMANI,J.)